

Gupta et al.

S/N: 09/748,520

REMARKS

Claims 1-35 are pending in the present application. In the Final Office Action mailed August 26, 2005, the Examiner rejected claims 1-7, and 22-25 under 35 U.S.C. §102 (e) as being anticipated by Christensen et al (US Pub. 2002/016694). The Examiner next rejected claims 8-21 and 26-35 under 35 U.S.C. §103(a) as being unpatentable over Christensen et al in view of Parad (USP 5,369,570).

The Examiner has improperly discounted and dismissed Applicant's 131 Declaration based on mistaken belief that the supporting evidence must recount claim verbiage word for word, regardless what the declaration sets forth. In order to form a complete record for Appeal, the Examiner must supply the underlying document which the Examiner bases the rejection thereon. That is, to date, the Examiner has merely supplied the published application for the Christensen et al reference. However, the filing date of Christensen et al. is November 28, 2001. The Examiner is relying upon a provisional application (60/255,037) for a priority date of December 12, 2000. The provisional application may not disclose what the Examiner claims the published application discloses. The Examiner must supply the Applicant with the underlying document for which the Examiner supports the rejection.

Respectfully submitted,



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